**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 7004 OF 2006**

Mr. Murli B. Rohra ] .. Petitioner

Versus

1. The State of Maharashtra & 3 ors. ] .. Respondents

Mr. V.Z. Kankaria with V.N. Tayade for the petitioner.

Mr. S.R. Nargolkar, AGP, for the respondents No.1,3 & 4.

Mr. Vijay Patil for respondent No.2.

**CORAM: S.B. MHASE, &**
**R.S. MOHITE, JJ.**

**DATED: 03RD MAY, 2007**

**P.C. :**

. Heard Mr. V.Z. Kankaria.

2. This Petition has been filed by the Chairman, Ulhasnagar Municipal Corporation School Board as against the State Government and the Commissioner, Ulhasnagar Municipal Corporation. The grievance made in the Petition is in respect of certain amounts being not paid by the Municipal Corporation towards the salary and non-salary expenditure of primary schools which were run by the Municipal Council.

2. After going through the Affidavits filed by

both the sides it appears that the facts in the Petition are disputed facts. The amounts in figures which are being paid and are being demanded are also disputed ones. Apart from that, what we find is that the Municipal Corporation is a local authority and "State" under Article 12 of the Constitution of India. Two limbs of the same authority are fighting within themselves. It is well settled principle of law as a result of the pronouncement by the Apex Court that whenever there is a dispute between the two limbs of the State, those authorities shall sit together and solve out the problem. Article 226 of the Constitution cannot be invoked for that purpose. Petition is, accordingly, rejected.

Sd/-
**[R.S. MOHITE, J.]**

Sd/-
**[S.B. MHASE, J.]**